

200500207

No.

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ag Bio Tech of Oregon, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ORCHARDGRASS

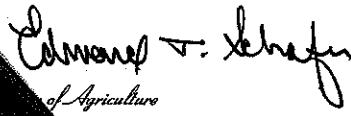
'Paiute II'

In Testimony Whereof, I have hereunto set my hand
and caused the seal of the Plant Variety
Protection Office to be affixed at the City of
Washington, D.C. this twentieth day of August,
in the year two thousand and eight.

Attest:


Alan B. Smith

Commissioner
Plant Variety Protection Office
U.S. Department of Agriculture


Edward T. Schaefer

of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and Information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER

Ag Biotech of Oregon, Inc.

2. TEMPORARY DESIGNATION OR
EXPERIMENTAL NAME
OG01PP3. VARIETY NAME
Paiute II

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

1125 SW Stopp Place
Corvallis, OR 973335. TELEPHONE (Include area code)
541-753-4144FOR OFFICIAL USE ONLY
PVPO NUMBER7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF
ORGANIZATION (corporation, partnership, association, etc.)

Corporation

8. IF INCORPORATED, GIVE
STATE OF INCORPORATION
Oregon9. DATE OF INCORPORATION
1988

FILING DATE

3/5/05

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)

John R. Hardison
Ag Biotech of Oregon, Inc.
1125 SW Stopp Place
Corvallis, OR 97333FILING AND EXAMINATION
FEES:FEES RECEIVED \$ 3652 00
DATE 3/5/05CERTIFICATION FEE:
\$ 768 00
DATE 8/4/08

11. TELEPHONE (Include area code)

541-753-4144

12. FAX (Include area code)

941 757 7646

13. E-MAIL

na

14. CROP KIND (Common Name)
Orchardgrass

15. GENUS AND SPECIES NAME OF CROP

Dactylis glomerata

16. FAMILY NAME (Botanical)
Gramineae (Poaceae)17. IS THE VARIETY A FIRST GENERATION
HYBRID? YES NO

18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

- a. Exhibit A. Origin and Breeding History of the Variety
- b. Exhibit B. Statement of Distinctness
- c. Exhibit C. Objective Description of Variety
- d. Exhibit D. Additional Description of the Variety (Optional)
- e. Exhibit E. Statement of the Basis of the Owner's Ownership
- f. Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)
- g. Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)

RAD 8/14/05

19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(e) of the Plant Variety Protection Act)

 YES (If "yes", answer items 20 and 21 below) NO (If "no", go to item 22)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?

IF YES, WHICH CLASSES? FOUNDATION REGISTERED CERTIFIED

21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?

IF YES, SPECIFY THE FOUNDATION REGISTERED CERTIFIED
NUMBER 1,2,3, etc.

(If additional explanation is necessary, please use the space indicated on the reverse.)

22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?

 YES NO

IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)

24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER

John R. Hardison

SIGNATURE OF OWNER

NAME (Please print or type)

John R. Hardison

NAME (Please print or type)

CAPACITY OR TITLE

President

DATE

3-24-05

CAPACITY OR TITLE

DATE

EXHIBIT A Origin and Breeding History of the Variety

Paiute II (OG01PP) dryland orchardgrass is an advanced generation synthetic cultivar developed by recurrent phenotypic selection of improved progeny from intercrossing plants selected from Paiute and ProFile orchardgrasses. Development of parental germplasm was started by inoculation of plants with urediniospores of stripe rust, *Puccinia striiformis* Westend. Rust-free plants including those with hypersensitive reactions were inoculated with powdery mildew, *Erysiphe graminis* DC. Stripe rust and powdery mildew resistant plants were transplanted to a spaced plant nursery and screened by natural inoculation for resistance to *Rhynchosporium* scald and *Cercosporidium* (syn. *Scolecochitrum*) brown stripe. Plants that were free or tolerant of these diseases were selected for forage quality and seed yield and intercrossed. This process of recurrent phenotypic selection and disease screening was repeated in two cycles. During the entire process care was taken to maintain freedom from choke or cattail disease, *Epichloe typhina* (Fr.) Tul. and bacterial blight or Rathays disease and its associated seed nematode. Plants with hypersensitive reactions to stripe rust and powdery mildew were specially preserved to obtain horizontal resistance that is reported to be controlled by multiple genes effective against all races. Final selection criteria included resistance or tolerance to disease, drought tolerance, forage yield and seed yield.

Paiute II orchardgrass has been observed for two generations of reproduction during the seed increase period and is stable and uniform. No variants were observed. Paiute is more than 50% of Paiute II.

OG01PP is an experimental designation of Paiute II.
Dr. John R. Hardison is the breeder of the variety.

Paiute II

EXHIBIT B STATEMENT OF DISTINCTNESS

OG01PP orchardgrass can be distinguished from other cultivars by a combination of characters summarized in the measurements of 29 characters in fifteen varieties provided as part of Exhibit C.

OG01PP orchardgrass is most similar to Paiute orchardgrass but differs from Paiute based on characters measured at two locations as follows;

Characteristic

		OG01PP Paiute II	vs	Paiute
Straw length cm				
Tangent 2002 .05	4.27	93.96		85.23
Shedd 2002 .05	5.51	99.11		87.12
No, primary panicle branches				
Tangent 2002 .05	0.61	6.87		5.93
Shedd 2002 .05	0.49	7.64		6.97

RAD
7/9/08
Orchardgrass PVP Application No. 200500207, 'Paiute II'

Exhibit B. Statement of Distinctness *Continued*

Paiute II (OG01PP) was shown to be distinct from other varieties by differences recorded at two locations near Tangent and Shedd in Linn County, Oregon during 2001 and 2002. Traits were measured in three replications in a complete block design with 20 plants per replication for a total of 60 plants per variety with results analyzed in Two Way Analysis of Variance, all by Steve Johnson PhD.

The 15 varieties included Justus, Profile, Ambassador, Cambria, OG01B (Potomac II), OG01PP (Paiute II), Benchmark, Hallmark, Haymate, Pennlate, Boone, Okay, Potomac, Paiute, and Progress. Differences are shown in 29 Tables, copies attached.

Special distinctness of Paiute II (OG01PP) is shown as follows:

1. Number of panicles, Table 3. Paiute II (OG01PP) at 38.75 had the 2nd highest number of panicle tillers of the 15 varieties exceeded only by Ambassador with 41.66.
2. Leaf color. Table 6. Paiute II (OG01PP) had 2nd darkest green color of 14 varieties, only darker one was OG01B (Potomac II).
3. Flag leaf height (cm). Table 8: Paiute II (OG01PP) at 67.31 cm was highest among 12 varieties and was exceeded only by Ambassador at 68.11 cm and Cambria at 69.11 cm.
4. Lemma hairiness, Table 19: (Percent pubescent): Paiute II (OG01PP) had the highest percent 86.67 lemma pubescent of all 15 varieties.
5. Lemma keel hairiness (% ciliate) Table 20: Paiute II (OG01PP) had third highest percent 93.33% lemma keel hairiness among 15 varieties being exceeded only by Boone 95.00 and Justus 95.00.
6. 1000 Seed weight (mg). Table 27. 1000 seed weight of Paiute II (OG01PP) at 1819.2 was third highest in 15 varieties exceeded only by Hallmark at 1869.9 mg and Benchmark at 1836 mg.
7. Forage yield. Table 30: (2005 Orchardgrass Variety Forage Yield Trial near Boyd, Kentucky directed by Steve Reed PhD, DLF International Seeds

Paiute II was ranked Number one for best average spring growth. Paiute II produced the highest total dry matter YIELD in 2006-07. among 17 orchardgrass varieties including the following: Ambassador, Mammoth, Amba, Athos, Frode, Justus, LG31, Paiute, Paiute II, Potomac, Potomac II, Haymate, Progress, Aparta, Baradana, Iowa OG79-DPT, Endurance, and 15 numbered varieties.

Panicle characteristics of orchardgrass varieties grown near Tangent and Shedd, Oregon in 2001-2002

Table 13

Table 14

Table 15

Table 18

NAME	Panicle Length (mm)			Panicle Branches			Number of Spikelets of Lowest Glomerule			Panicle Cast (1=Yellow, 2=Brown, 3=Purple)			Panicle Branch Angle, (1=<30°, 2=30°-90°, 3=>90°)		
	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average
Ambassador	18.13	17.22	17.68	5.02	7.66	6.34	2.67	2.88	2.78	2.18	2.03	2.11	1.67	1.76	1.72
Justus	16.54	16.46	16.50	7.38	7.65	7.52	3.82	3.28	3.55	2.24	2.16	2.20	1.76	2.37	1.49
Pennlate	16.52	18.08	17.30	8.23	9.46	8.85	4.02	4.12	4.07	2.13	2.11	2.12	1.94	2.08	1.61
Okay	16.36	17.43	15.90	7.71	7.12	7.42	3.58	3.21	3.40	2.05	2.04	2.04	2.41	2.58	1.66
Profile	16.11	13.92	15.01	6.65	6.58	6.62	3.53	2.68	3.11	2.17	2.03	2.10	2.03	2.03	1.42
Progress	15.46	14.33	14.40	6.33	6.78	6.55	2.58	2.66	2.62	2.00	2.08	2.04	1.56	1.83	1.68
Benchmark	15.30	14.11	14.70	4.51	6.56	5.54	2.61	2.56	2.59	2.39	2.05	2.22	1.52	1.83	1.60
Potomac	14.94	12.69	13.81	4.52	6.64	5.58	3.41	2.60	3.01	2.28	2.00	2.14	1.87	1.88	1.64
Boone	14.83	14.42	14.63	4.22	7.27	5.75	2.58	2.89	2.73	2.13	2.05	2.09	1.54	1.93	1.39
OG01PP	14.66	16.68	15.67	6.87	7.64	7.26	3.03	3.21	3.12	2.02	2.26	2.14	1.63	2.40	2.02
Hallmark	14.08	13.67	13.88	4.75	5.77	5.76	2.82	2.68	2.75	2.60	2.08	2.34	1.53	1.88	1.61
Haymate	14.04	16.90	15.47	6.93	6.82	6.88	3.33	3.13	3.23	2.41	2.08	2.24	1.85	2.28	1.63
OG01B	13.93	14.29	14.11	6.47	7.22	6.84	2.88	2.75	2.82	2.07	2.10	2.08	1.80	1.87	1.47
Paiute	13.74	14.32	14.03	5.93	6.97	6.45	3.08	2.65	2.86	2.15	2.07	2.11	1.63	2.09	1.50
Cambria	12.93	14.89	13.91	6.99	6.65	6.82	3.58	2.75	3.16	2.36	2.14	2.25	1.76	2.19	1.51
LSD @ 0.05	1.96	2.08	0.61	0.49	0.57	0.30	0.22	0.10	0.21	0.21	0.32	0.17	0.17	0.17	1.39

Table 18

Table 14

Table 15

Table 16

Table 17

Table 18

Plant growth characteristics of orchardgrass varieties grown near Tangent and Shedd, Oregon in 2001-2002.

Table 1

Table 2

Table 3

Table 4

Table 5

Table 6

NAME	Plant Height (cm)			Plant Width (cm)			Number of Panicle Tillers			Length of 5th Internode			Straw Length (cm)			Leaf Color (1=Yellow Green, 2=Green, 3=Dark Green, 4=Blue Green)		
	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average
Justus	115.68	118.60	117.14	104.00	100.48	102.24	29.25	42.97	36.11	2.15	1.90	2.03	99.13	102.14	100.64	3.56	2.98	3.27
Profile	112.27	109.90	111.08	97.29	88.54	92.92	29.27	38.14	33.71	2.12	1.92	2.02	96.17	95.98	96.08	3.40	2.92	3.16
Ambassador	111.34	116.08	113.71	94.41	87.42	90.91	45.55	42.66	39.76	3.26	2.24	2.75	93.20	98.86	96.03	3.55	3.03	3.29
Cambria	110.93	120.74	115.83	101.96	114.87	108.42	32.28	39.77	36.03	1.85	1.74	1.80	98.00	105.85	101.93	3.58	2.95	3.27
OG01B	108.88	106.28	107.58	95.86	77.74	86.80	35.43	37.18	36.31	2.03	2.23	2.13	94.95	92.00	93.47	3.66	3.42	3.54
GG01PP	108.61	115.79	112.20	91.18	80.48	85.83	36.79	40.70	38.75	2.15	2.25	2.20	93.96	99.11	96.53	3.43	3.44	3.44
Benchmark	106.88	109.93	108.41	89.12	83.71	86.42	30.66	27.79	29.23	2.01	2.25	2.13	91.58	95.82	93.70	3.48	3.30	3.39
Hallmark	105.84	113.84	109.84	87.42	79.58	83.50	30.73	32.10	31.42	2.48	2.18	2.33	91.75	100.17	95.96	3.78	3.45	3.61
Haymate	105.78	119.78	112.78	89.55	103.98	96.77	31.43	38.63	35.03	2.24	1.98	2.11	91.73	102.89	97.31	3.54	2.85	3.20
Pennlate	104.47	116.79	110.63	79.28	83.96	81.62	27.82	33.65	30.73	2.26	2.33	2.29	87.95	98.71	93.33	3.24	2.77	3.01
Boone	103.30	104.64	103.97	103.52	89.11	96.31	34.19	33.82	34.01	2.93	1.99	2.46	88.47	90.21	89.34	2.64	3.08	2.86
Okay	102.68	112.54	107.61	81.50	94.17	87.83	17.36	34.75	26.06	2.25	2.69	2.47	88.32	95.11	91.72	3.08	2.17	2.63
Potomac	99.38	107.54	103.46	99.73	75.36	87.55	29.53	34.64	32.09	2.01	2.15	2.08	84.45	94.86	89.65	3.14	3.29	3.22
Palute	98.97	101.44	100.20	91.88	66.44	79.16	38.60	27.91	33.26	2.55	2.08	2.31	85.23	87.12	86.18	3.39	3.29	3.34
Progress	96.89	107.39	102.14	90.63	82.61	86.62	38.45	47.92	43.19	1.95	1.81	1.88	81.43	94.06	87.75	2.98	2.82	2.90
LSD @ 0.05	4.19	5.94		8.54	7.51		8.15	10.08		0.55	0.38		4.27	5.51		0.40	0.39	

#200500207

BELTSVILLE, MARYLAND 20705
OBJECTIVE DESCRIPTION OF VARIETY
ORCHARDGRASS
(*Dactylis glomerata L.*)

NAME OF APPLICANT(S) Ag Biotech of Oregon, Inc.	VARIETY NAME OR TEMPORARY DESIGNATION OG01PP Paiute II
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) 1125 SW Stopp Place Corvallis, OR 97333	FOR OFFICIAL USE ONLY PVPO NUMBER #200500207

Place the appropriate number that describes the varietal character of this variety in the boxes below. Fill unused columns with zeroes (e.g. **0 9 9** when number is 99). In comparisons to Potomac (standard variety) be sure to strike out the comparative term which does not apply (e.g. (shorter) (longer)); the value **0 0** should only be used to indicate that the varieties are equal. The symbol **▲** indicates a decimal point. Characteristics described, including numerical measurements, should represent those which are TYPICAL for the variety. Measured data should be for SPACED PLANTS. Any recognized color fan, e.g. Royal Horticultural Colour Chart, may be used to determine plant colors; designate system used: _____ Give location of test area: _____. Ranges of values are valuable and may be included with additional description elsewhere in the application.

NOTE: FOR SINGLE PLANT DATA A MINIMUM OF 100 PLANTS IS SUGGESTED.

1. PLOIDY:

<input type="checkbox"/> 2 = DIPLOID (2N = 14)	<input type="checkbox"/> 2 = TETRAPLOID (2N = 28)	<input type="checkbox"/> 3 = OTHER (Specify) _____
--	---	--

2. ADAPTATION (for forage or pasture):

<input type="checkbox"/> 6 = NORTHEAST 5 = SOUTH CENTRAL	<input type="checkbox"/> 2 = EAST CENTRAL 6 = PACIFIC NW.	<input type="checkbox"/> 3 = SOUTHEAST 7 = SOUTHWEST	<input type="checkbox"/> 4 = NORTH CENTRAL 8 = OTHER (Specify) _____
---	--	---	---

3. WINTER HARDINESS:

<input type="checkbox"/> 7 = TENDER (HALLMARK)	<input type="checkbox"/> 5 = INTERMEDIATE (PENNULATE)	<input type="checkbox"/> 7 = HARDY (CHINOOK)
--	---	--

4. MATURITY:

<input type="checkbox"/> 2 = SEASON: <input type="checkbox"/> 1 = VERY EARLY (BOONE)	<input type="checkbox"/> 2 = EARLY (STERLING)	<input type="checkbox"/> 3 = MIDSEASON (PENNMEAD)
	<input type="checkbox"/> 4 = LATE (PENNULATE)	<input type="checkbox"/> 5 = VERY LATE (MASSHARDY)

FLOWERING DATE (50% BLOOM) COMPARED TO POTOMAC

2	5
---	---

 DAYS (EARLIER) (LATER)BEGINNING OF SPRING GROWTH COMPARED TO POTOMAC

--	--

 DAYS (EARLIER) (LATER)

5. PLANT HEIGHT (From soil level to top of panicle):

<table border="1" style="display: inline-table;"><tr><td>1</td><td>1</td><td>2</td></tr></table> CM. TALL; COMPARED TO POTOMAC	1	1	2	<table border="1" style="display: inline-table;"><tr><td>8</td><td>7</td></tr></table> CM. (SHORTER) (TALLER)	8	7
1	1	2				
8	7					

6. PLANT GROWTH TYPE (at maturity):

<input type="checkbox"/> 3 = TYPE: 1 = PROSTRATE (S-143)	<input type="checkbox"/> 2 = INTERMEDIATE (PENNMEAD)	<input type="checkbox"/> 3 = ERECT (BOONE)
--	--	--

PLANT WIDTH: DIAMETER ACROSS 2ND YEAR PLANT (TO TIPS OF OPPOSITE PANICLES). USE SAME OR COMPARABLE PLANTS AS FOR PLANT HEIGHT.

<table border="1" style="display: inline-table;"><tr><td>8</td><td>5</td><td>8</td></tr></table> CM. PLANT WIDTH; COMPARED TO POTOMAC	8	5	8	<table border="1" style="display: inline-table;"><tr><td>1</td><td>7</td></tr></table> CM. (NARROWER) (WIDER)	1	7
8	5	8				
1	7					

<input type="checkbox"/> 2 = EARLY LEAFINESS: 1 = PANICLE TILLERS EXERTED BEFORE BARREN TILLERS	<input type="checkbox"/> 2 = PANICLE AND BARREN TILLERS EXERTED TOGETHER
--	--

<table border="1" style="display: inline-table;"><tr><td>3</td><td>8</td><td>7</td></tr></table> NO. PANICLE TILLERS AT Maturity	3	8	7	
3	8	7		

<table border="1" style="display: inline-table;"><tr><td>1</td><td>1</td><td>7</td></tr></table> NO. BARREN TILLERS AT Maturity	1	1	7	
1	1	7		

LEAF ELEVATION DATA: (USE SAME OR COMPARABLE PLANTS FOR BOTH CHARACTERS)

<table border="1" style="display: inline-table;"><tr><td>2</td><td>2</td></tr></table> CM. LENGTH OF 5TH INTERNODE BELOW PANICLE (USUALLY 1ST NONCONTRACTED INTERNODE)	2	2	
2	2		

<table border="1" style="display: inline-table;"><tr><td>9</td><td>6</td></tr></table> CM. TOTAL STRAW LENGTH (TO LOWEST BRANCH OF PANICLE)	9	6	
9	6		

7. LEAF:

<input type="checkbox"/> 2	CULM LEAF ATTITUDE (AT EARLY BOOT):	1 = ERECT (ORBIT)	2 = DROOPING (POTOMAC)
<input type="checkbox"/> 3	LEAF COLOR:	1 = YELLOW GREEN (LATAR) 4 = BLUE GREEN (SUMAS)	2 = GREEN (STERLING) 3 = DARK GREEN (POTOMAC)

LEAF HAIRINESS (% PLANTS WITH EACH SURFACE):

<input type="checkbox"/>	<input type="checkbox"/>	% GLABROUS	<input type="checkbox"/>	<input type="checkbox"/>	% SLIGHTLY PUBESCENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	% PUBESCENT
<input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> 2	MM. WIDTH (FIRST LEAF BLADE BELOW FLAG LEAF); COMPARED TO POTOMAC	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 8	MM. (NARROWER (WIDER))	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> MM. (SHORTER) (LONGER)	
<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 6	MM. LENGTH (FIRST LEAF BLADE BELOW FLAG LEAF); COMPARED TO POTOMAC	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	MM. (SHORTER) (LONGER)				

8. PANICLE: (from lowest panicle branch to tip of rachis):

<input type="checkbox"/> 1	<input type="checkbox"/> 5	CM. PANICLE LENGTH; COMPARED TO POTOMAC	<input type="checkbox"/> 1	<input type="checkbox"/> 2	CM. (SHORTER) (LONGER)
<input type="checkbox"/> 7	<input type="checkbox"/> 2	NO. PRIMARY BRANCHES	<input type="checkbox"/> 3	<input type="checkbox"/> 1	NO. SPIKELETS OF LOWEST GLOMERULE (SPIKELET CLUSTER)
<input type="checkbox"/> 2	CAST (SECONDARY COLOR) OF PANICLE: 1 = YELLOWISH 2 = BROWN 3 = PURPLE 4 = OTHER (Specify)				

PANICLE TYPE: IN THE TABLE BELOW GIVE PERCENTAGE OF PLANTS WITH EACH PANICLE TYPE. PANICLE TYPE IS DETERMINED BY THE ANGLES FROM THE VERTICAL FORMED BY (A) THE RACHIS TIP AND (B) THE LOWEST BRANCH.

(A) ANGLE OF RACHIS TIP (FROM VERTICAL)

(B) ANGLE OF LOWEST BRANCH (FROM VERTICAL)	0° (ERECT)		< 45°	> 45°
	(< 30°)	(30° - 90°)		
	10		15	2
		18	26	3
	10		14	2

9. LEMMA (first spikelet of lowest cluster):

LEMMA HAIRINESS (% PLANTS WITH EACH SURFACE):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	% GLABROUS	<input type="checkbox"/> 8	<input type="checkbox"/> 6	<input type="checkbox"/> 6	% PUBESCENT
--------------------------	--------------------------	--------------------------	------------	----------------------------	----------------------------	----------------------------	-------------

LEMMA KEEL HAIRINESS (% PLANTS WITH EACH SURFACE):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	% GLABROUS	<input type="checkbox"/> 9	<input type="checkbox"/> 3	<input type="checkbox"/> 3	% CILIATE
--------------------------	--------------------------	--------------------------	------------	----------------------------	----------------------------	----------------------------	-----------

<input type="checkbox"/> 1	<input type="checkbox"/> 6	<input type="checkbox"/> 7	% PLANTS WITH NOTCHED LEMMA APEX
9	8	3	% PLANTS WITH LEMMA AWNS

<input type="checkbox"/> 0	<input type="checkbox"/> 0	<input type="checkbox"/> 3	MM. DEPTH APICAL NOTCH
1	0	4	MM. TYPICAL AWN LENGTH

10. SEED:

<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 5	MM. WIDTH; COMPARED TO POTOMAC	<input type="checkbox"/> 0	<input type="checkbox"/> 4	MM. (NARROWER) (WIDER)
6	0	0	MM. LENGTH; COMPARED TO POTOMAC	<input type="checkbox"/> 3	<input type="checkbox"/> 1	MM. (SHORTER) (LONGER)
1	8	1	MG. PER 1,000 PURE SEED; COMPARED TO POTOMAC	1	<input type="checkbox"/> 3	<input type="checkbox"/> 5 MG. (LIGHTER) (HEAVIER)

11. DISEASE AND INSECT RESISTANCE (rate resistance 0-9, Where 0 = not tested, 1 = 100% susceptible, and 9 = 100% resistant):

<input type="checkbox"/> 8	POWDERY MILDEW (<u>ERYSIPHE GRAMINIS</u>)
0	ANTHRACNOSE (<u>COLLETOTRICHUM GRAMINICOLA</u>)
	OTHER (Specify)

<input type="checkbox"/> 0	STRIPE SMUT (<u>USTILAGO STRIIFORMIS</u>)
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11. DISEASE AND INSECT RESISTANCE (Continued)

RUST AND LEAF SPOT: SPECIFY AS COMPLETELY AS POSSIBLE INCLUDING SPECIES AND RACES WHERE KNOWN. IF GENERALIZED RESISTANCE OR SUSCEPTIBILITY IS CLAIMED (FIRST BOX), INCLUDE OR APPEND EXPLANATION. (0 = NOT TESTED, 1-9 = 100% SUSCEPTIBLE TO 100% RESISTANT, RESPECTIVELY.

<input type="checkbox"/>	RUST	
0	STEM RUST (<u>Puccinia graminis</u>)	
0	CROWN RUST (<u>P. coronata</u>)	
0	LEAF RUST (<u>P. rubigo-vera</u>)	
8	STRIPE RUST (<u>P. glumarum</u>)	
<input type="checkbox"/>	LEAF SPOT	
7	LEAF STREAK (<u>Scotecotrichum graminis</u>)	
0	LEAF BLOTCH (<u>Stagonospora arenaria</u>)	
0	PURPLE LEAF SPOT (<u>Stagonospora maculata</u>)	
7	SCALD (<u>Rhynchosporium orthosporium</u>)	
0	LEAF SPOT (<u>Ascochyta graminicola</u>)	
0	LEAF SPOT (<u>Mastigosprium rubicosum</u>)	
0	LEAF SPOT (<u>Helminthosporium spp.</u>)	
0	LEAF SPOT (<u>Septoria spp.</u>)	
	OTHER Yellow dwarf virus	

COMMENTS:
COMMENTS:
Tolerant

12. INDICATE THE VARIETY THAT MOST CLOSELY RESEMBLES THE APPLICATION VARIETY FOR THE FOLLOWING CHARACTERS:

CHARACTER	VARIETY	CHARACTER	VARIETY
LEAFINESS	Paiute	SEEDLING VIGOR	Paiute
WINTER HARDINESS	Paiute	SEED SIZE	Paiute
FROST RESISTANCE	Paiute	PATINE XELLINE	Paiute
SUMMER DORMANCY	Paiute	PERSISTENCE	Paiute
HEAT TOLERANCE	Paiute	TILLERING	Paiute

REFERENCES:

R. G. STAPLEDON, COCKSFOOT GRASS (Dactylis glomerata L.) ECOTYPES IN RELATION TO THE BIOTIC FACTORS. JOURNAL OF ECOLOGY 16:71-104 1928.

P.F. PARKER, GENETIC VARIATION IN DIPLOID Dactylis III PANICLE, SPIKELET AND FLORET CHARACTERS. HEREDITY 24:383-405 1969.

COMMENTS:

200500207

Paiute II (OG01PP)

EXHIBIT D Additional Description of the Variety

Additional description data in support of the application is supplied by the measurements of twenty nine characters obtained for fifteen comparison varieties contained in the tables that are included as further reference under Exhibit D in the following seven pages.

Plant growth characteristics (continued) of orchardgrass varieties grown near Tangent and Shedd, Oregon in 2001-2002.

Table 7

Leaf Hairiness

(1=Glabrous, 2=Slightly
Pubescent, 3=Pubescent)

NAME	Table 8			Table 9			Table 10			Table 11			Table 12		
	Tangent	Shedd	Average	Flag Leaf Height (cm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Average	Tangent	Shedd	Average	Tangent	Shedd	Average
Progress	2.21	1.88	2.04	53.37	68.22	60.79	18.12	16.86	17.49	6.75	6.95	6.85	21.54	22.62	22.08
Pennlate	2.11	1.80	1.95	57.49	69.49	63.49	20.25	18.99	19.62	8.19	6.69	7.44	23.38	23.80	23.59
Ambassador	2.10	2.15	2.13	68.30	67.93	68.11	15.62	17.97	16.80	7.04	6.60	6.82	22.10	22.47	22.28
OG01PP	2.10	2.05	2.08	60.96	73.66	67.31	17.08	16.51	16.80	6.31	6.07	6.19	22.78	22.09	22.44
Okay	2.10	1.68	1.89	59.03	67.85	63.44	17.28	18.96	18.12	8.25	6.22	7.23	20.48	23.49	21.98
Profile	2.05	1.82	1.93	60.81	65.13	62.97	19.65	17.50	18.58	8.22	6.20	7.21	22.87	21.22	22.04
Cambria	1.98	2.25	2.12	62.92	75.44	69.18	15.82	17.20	16.51	7.27	6.88	7.07	20.39	24.60	22.50
Haymate	1.93	1.99	1.96	57.94	70.10	64.02	15.49	20.13	17.81	6.93	8.05	7.49	21.46	24.58	23.02
Paiute	1.86	1.83	1.85	59.33	60.00	59.67	13.08	16.52	14.80	6.43	5.50	5.96	17.98	20.23	19.11
Justus	1.80	2.02	1.91	69.27	72.78	71.03	17.92	19.55	18.73	6.69	7.52	7.11	24.01	25.59	24.80
OG01B	1.73	1.85	1.79	62.16	61.95	62.05	15.56	15.68	15.62	7.48	6.29	6.89	21.05	19.83	20.44
Boone	1.44	2.05	1.74	56.22	61.46	58.84	16.56	14.49	15.52	6.48	5.46	5.97	18.34	18.56	18.45
Hallmark	1.41	1.60	1.50	54.98	67.83	61.41	13.55	15.46	14.51	6.66	6.28	6.47	17.25	19.17	18.21
Potomac	1.26	2.14	1.70	56.45	63.50	59.98	14.73	14.49	14.61	6.62	5.40	6.01	22.34	18.70	20.52
Benchmark	1.00	1.78	1.39	60.04	63.81	61.93	14.59	13.36	13.98	6.08	5.32	5.70	19.57	18.89	19.23
LSD @ 0.05	0.35	0.24	5.14	6.47	2.51	2.45	1.25	0.79	1.25	0.79	3.48	3.20	0.84	0.81	0.81

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Lemma characteristics of orchardgrass cultivars grown near Tangent and Shedd, Oregon in 2001-2002

Table 19 Table 20

Table 21

Table 21

Table 23

	LSD @ 0.05	25.11	22.72	15.42	17.23	13.96	10.60	NS	NS	0.17
								NS	NS	NS

13.96 10.60 NS 0.17

NS
NS
NS
IS

12

#200500207

Seed characteristics of orchardgrass varieties near Tangent and Shedd, Oregon in 2001-2002

NAME	Table 25 Seed Length (mm)			Table 26 Seed Width (mm)			Table 27 1000 Seed Weight (mg)		
	Tangent	Shedd	Average	Tangent	Shedd	Average	Tangent	Shedd	Average
Potomac	6.52	6.10	6.31	1.22	1.16	1.19	1762.5	1606.6	1684.5
Paiute	6.42	6.35	6.38	1.20	1.18	1.19	1938.9	1617.0	1778.0
Boone	6.39	5.85	6.12	1.18	1.10	1.14	1680.7	1439.1	1559.9
Justus	6.35	6.33	6.34	1.11	1.14	1.12	1691.3	1560.1	1625.7
Okay	6.18	6.20	6.19	1.14	1.15	1.15	1564.1	1322.9	1443.5
OG01B	6.16	6.24	6.20	1.20	1.21	1.20	1731.4	1716.8	1724.1
Profile	6.14	6.36	6.25	1.12	1.15	1.14	1838.0	1685.4	1761.7
Ambassador	6.13	5.97	6.05	1.18	1.17	1.18	1656.9	1612.3	1634.6
OG01PP	6.11	5.89	6.00	1.17	1.13	1.15	1904.2	1734.2	1819.2
Haymate	6.08	6.21	6.15	1.16	1.19	1.18	1610.6	1449.3	1529.9
Hallmark	6.08	6.05	6.07	1.16	1.23	1.19	1937.2	1802.6	1869.9
Benchmark	6.03	6.37	6.20	1.16	1.23	1.20	1912.7	1759.6	1836.1
Cambria	5.94	6.51	6.23	1.18	1.19	1.18	1632.1	1729.9	1681.0
Pennlate	5.79	5.82	5.80	1.15	1.17	1.16	1552.1	1526.0	1539.1
Progress	5.55	6.00	5.78	1.07	1.11	1.09	1502.1	1571.0	1536.5
LSD @ 0.05	0.35	0.31		0.06	0.04		278.4	248.1	

Table 28

Heading Dates of Orchardgrass Varieties
Grown Near Tangent and Shedd, Oregon
in 2001-2002

	<u>Tangent</u>	<u>Shedd</u>
Boone	15-May	14-May
Benchmark	16-May	16-May
Potomac	18-May	17-May
Hallmark	18-May	17-May
Ambassador	18-May	18-May
OG01B	20-May	21-May
Paiute	20-May	20-May
OG01PP	21-May	19-May
Profile	22-May	21-May
Justus	23-May	20-May
Progress	24-May	22-May
Pennlate	25-May	24-May
Haymate	26-May	23-May
Cambria	26-May	25-May
Okay	30-May	27-May

#200500207

Table 30
2005 Orchardgrass Variety Forage Yield Trial - Boyd, KY
FINAL REPORT

ENTRY NAME	ESTABLISHMENT		GROWTH & SPRING		AVERAGE LEAF DISEASE 1-9		HEADINGS & DISEASE		TOTAL 2005 DRY MATTER YLD		TOTAL 2005 SPY MATTER YLD		TOTAL 2005 SPY % OF DRY MATTER YLD (LBS/A.)		
	1-9	S-EXCELLENT	ESTABLISHMENT RANK	S-EXCELLENT	GROWTH RANK	SPRING RANK	DISEASE 1-9 RANK	SPRING DISEASE RANK	HEADINGS & DISEASE RANK	SPRING HEADINGS & DISEASE RANK	HEADINGS & DISEASE MEAN	SPRING HEADINGS & DISEASE MEAN	% OF MEAN	% OF MEAN	
1 AMBASSADOR	8.50	18	6.00	23	6.8000	19	6.6250	12	2.50	10389.43	92.2	5805.00	105.9	11594.33	98.4
2 MAMMOTH	7.50	11	8.83	7	7.2500	3	5.8750	21	1.00	10589.80	98.5	5381.50	98.2	11271.32	98.4
3 AMBA	8.00	20	6.00	29	5.7500	21	7.50	9502.86	98.0	4874.00	98.9	14597.01	97.0		
4 ATHOS	5.50	24	3.50	31	4.2569	31	7.3750	2	9.00	10213.15	92.4	5131.50	93.6	15244.45	92.8
5 FRODE	7.00	15	7.00	13	6.5000	13	6.1250	17	6.50	10849.08	98.2	5776.00	105.4	16825.19	100.6
6 JUSTUS	8.00	8	8.50	1	7.0000	8	5.8750	20	6.50	11786.23	105.7	5820.00	108.2	17605.13	105.5
7 IG-31	4.50	29	5.50	27	4.2500	32	5.7500	23	9.00	10140.64	91.8	5273.50	96.2	15414.30	93.2
8 PAULTE II	8.00	8	8.00	8	8.7500	11	5.7500	26	5.00	11182.21	101.2	5128.50	93.5	18305.86	99.6
9 POTOMAC	8.00	2	8.00	61	8.2500	1	8.0000	19	5.00	13523.08	122.4	5535.00	101.0	14058.63	116.3
10 POTOMAC II	8.00	3	8.50	2	7.2500	5	5.2500	31	4.00	11315.51	102.3	4920.50	87.9	16725.91	97.6
11 HAYWATE	3.50	32	5.00	30	6.8000	20	5.2500	30	4.00	12497.40	111.4	5238.50	95.6	17546.19	106.1
12 HAYWATE	8.00	4	8.00	5	8.7500	9	8.2500	18	6.00	11158.07	100.3	5538.50	92.1	17773.77	107.5
13 PROGRESS	4.50	31	3.00	32	5.0000	27	6.2500	18	6.00	11321.52	102.3	5128.50	93.5	16836.11	101.9
14 SPARTA	5.50	28	6.50	20	6.2500	16	5.7500	24	8.00	13654.73	78.3	4591.50	83.8	13245.67	88.1
15 BARADANA	8.00	21	7.50	9	7.0000	71	7.6250	1	7.00	11438.21	103.5	5658.50	103.2	17987.06	103.4
16 IOWA OG 73-07PT	7.50	9	7.50	12	6.2500	17	6.8750	8	6.50	11442.50	103.8	5514.50	115.3	17756.98	107.6
17 IS-QG-4	7.00	17	8.00	23	8.0000	19	6.8750	9	7.50	10864.36	107.4	5314.50	107.9	17773.73	107.6
18 IS-QG-9	5.50	25	7.00	14	6.5000	14	6.7500	11	6.50	10743.55	97.2	5272.50	113.7	16915.43	102.7
19 IS-QG-9 SEL	4.50	30	6.50	19	5.2500	25	7.1250	3	7.00	10729.61	97.1	6321.00	115.3	17280.71	103.1
20 IS-QG-17	6.50	19	8.00	22	5.5000	24	6.3750	7	8.00	10928.07	98.9	5917.00	106.1	16745.34	101.3
21 IS-QG-21	6.00	23	6.50	17	4.7500	28	7.0000	6	7.50	11065.74	100.3	5055.50	92.2	16144.12	97.6
22 IS-QG-22	7.00	14	7.00	16	6.7500	10	7.2500	4	6.50	11214.29	105.4	5354.50	97.7	16986.69	102.3
23 IS-QG-23	5.50	22	6.00	23	5.2500	26	7.1250	5	7.50	11247.73	108.0	5595.50	109.4	17206.18	104.1
24 IS-QG-25	5.00	27	5.50	25	5.5000	23	6.2500	13	7.50	10403.54	94.2	5277.00	96.3	16580.37	94.9
25 IS-QG-26	7.50	16	B.50	21	4.5000	30	6.7500	19	8.50	10847.66	98.4	5488.00	100.1	16135.61	97.6
26 IS-QG-27	7.00	13	6.50	18	6.7500	12	5.3750	29	4.50	11551.27	104.5	5301.00	96.7	16652.20	101.9
27 ENDURANCE	8.00	5	7.50	10	7.2500	4	5.6250	27	4.50	11138.95	101.0	5488.00	100.1	16546.84	100.2
28 IS-QG-28	8.00	1	8.50	3	7.5000	2	5.3750	28	5.00	10863.15	98.2	5129.00	93.5	17050.68	103.1
29 IS-QG-29	7.00	12	7.50	11	6.2500	45	6.7500	25	6.00	10784.31	97.6	5027.50	82.1	16286.38	92.5
30 IS-QG-40	5.00	28	5.50	22	5.7500	22	6.0000	18	6.00	10195.52	97.5	5279.50	99.3	15385.16	93.1
31 IS-QG-41	7.00	101	7.00	151	4.7500	23	6.5000	14	7.50	11922.05	107.9	5895.00	107.0	17823.91	107.3
32 IS-QG-5RS	6.50	13.94	6.67	13.35	6.12	6.27	6.38	11058.71	5481.55	16531.28					
GRAND MEAN		LSD (.045)		LSD (.045)	7.13	5.01	7.94	5.13	8.01	744.47		4.58		1312.03	
CV (%)					0.74	0.53	0.86	0.53	0.86						

Any difference greater than the LSD is considered significant. Bold are not significant from each other.

The 2005 Orchardgrass variety trial was sown on October 13, 2005 in two replications of 9 ft. x 30 sqft plots at a rate of 26.26 pounds per acre at 1/2 inch depth. There were three harvests in 2006 and two in 2007. The trial represented a range of maturities.

OBSERVATION FINAL

OG01PP

200500207

Angle of Rachis Tip From Vertical

Angle of Lowest Branch from Vertical	0° (ERECT)		
	< 30°	< 45°	> 45°
< 30°	10	15	2
30°-90°	18	26	3
> 90°	10	14	2

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICEEXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S)

Ag Biotech of Oregon, Inc.

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)

1125 SW Stopp Place
Corvallis, OR 973332. TEMPORARY DESIGNATION
OR EXPERIMENTAL NUMBER
OG01PP3. VARIETY NAME
Paiute II

5. TELEPHONE (Include area code)

541-753-4144

6. FAX (Include area code)

7. PVPO NUMBER

200500207

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain

 YES NO

9. Is the applicant (individual or company) a U.S. National or a U.S. based company? If no, give name of country

 YES NO

10. Is the applicant the original owner?

YES

 NOIf no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

YES

NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

YES

NO

If no, give name of country

11. Additional explanation on ownership (If needed, use the reverse for extra space):

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

- If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
- If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
- If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

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